

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

\* \* \* \* \*

William L. Johnson,

Civil No. 23-3079 (PJS/LIB)

Plaintiff,

vs.

ORDER ADOPTING  
REPORT AND RECOMMENDATION

United Ground Express Inc.,

Defendant.

\* \* \* \* \*

Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

1. Defendant's Motion to Dismiss, [Docket No. 18], is **GRANTED in part** and **DENIED in part**, as set forth above;
2. To the extent Defendant's Motion to Dismiss seeks the dismissal of Counts 2, 3, 5, 6, 8, and 11 of Plaintiff's Amended Complaint, Defendant's Motion to Dismiss, [Docket No. 18], is **GRANTED** and those Counts be dismissed as follows:
  - a. Counts 2, 3, 5, and 6 of Plaintiff's Amended Complaint are **DISMISSED without prejudice**;
  - b. Counts 8 and 11 of Plaintiff's Amended Complaint are **DISMISSED with prejudice**; and

3. To the extent Defendant's Motion to Dismiss seeks the dismissal of Counts 9 and 12 of Plaintiff's Amended Complaint, Defendant's Motion to Dismiss, [Docket No. 18], is **DENIED**.

DATED: July 24, 2024  
At Minneapolis, Minnesota

s/Patrick J. Schiltz  
Patrick J. Schiltz, Chief Judge  
United States District Court